

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

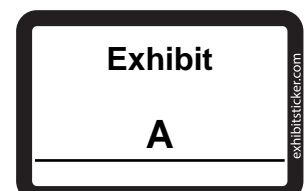
TRUSTEES OF BOSTON COLLEGE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:24-cv-1523-HEA
)	
URSHAN UNIVERSITY, INC.,)	
)	
Defendant,)	
)	
v.)	
)	
UNITED PENTECOSTAL CHURCH)	
DEVELOPMENT FUND, INC.)	
)	
Intervenor Plaintiff.)	

DECLARATION OF AARON FREI

1. My name is Aaron Frei. I am over the age of 18 and am of sound mind. I am submitting this declaration in support of the Motion for Preliminary Injunction filed by the Trustees of Boston College (“BC”) in the above-captioned because I know that the value of the Windows at issue in this lawsuit exceeds \$75,000. The statements in this declaration I make on the basis of my own personal knowledge, and I am willing to testify to the truth of the same if called to do so.

2. I am currently the President of Emil Frei & Associates, Inc., a liturgical design studio specializing in the design and restoration of custom stained glass and mosaics. As President, I have access to and am generally familiar with the company’s history and business records.

3. I have been involved in stained glass design and restoration at Emil Frei & Associates since I was 11 years old. I worked there as a Craftsman from 1991 to 2011, and as the



Principal Glass Cutter and Manager from 2011 to 2016. I have been President of the company since 2016.

4. I hold both a Bachelor's and Master's degree in Theology from the University of Dallas, a Catholic university, and am familiar with the history and theology of the Catholic Church.

5. My curriculum vitae, which accurately states my educational and professional qualifications, is attached hereto as Exhibit A-1.

6. Emil Frei & Associates, Inc. was founded as "Emil Frei Art Glass" by my great-grandfather, Emil Frei, Sr. He was a German immigrant to the United States who moved to St. Louis in 1898, where he designed stained glass windows and mosaics for churches and other buildings in the St. Louis area, including the Cathedral Basilica on Lindell Boulevard in the Central West End.

7. Emil Frei & Associates has been a family-owned stained-glass company continuously since its founding by my great-grandfather, and we have produced stained-glass windows for churches, cathedrals, and other buildings across the United States. Our projects include the National Cathedral and the National Shrine of the Immaculate Conception in Washington, DC, Harvard Medical School's Dana-Farber Cancer Institute, and over 8,000 other churches and other buildings all over the country including locally the New Cathedral Basilica of St. Louis and St. Francis Xavier College Church.

8. In 1923, Emil Frei designed and oversaw the construction of the stained-glass windows in the chapel ("Chapel") at the St. Louis County property then housing St. Stanislaus Seminary ("Property"), a seminary that trained priests of the Society of Jesus (i.e., the Jesuits).

9. Although the Chapel contains many stained-glass windows, the most artistically and historically significant of them are the twelve windows along the sides of the Chapel, six on

each side (the “Side Windows”) and the circular window on the Chapel’s façade (the “Rose Window”). In this declaration, I refer to these thirteen windows collectively as the “Windows.”

10. The Side Windows depict various scenes that are significant to the history of the Catholic Church and, particularly, to the Jesuit Order that formerly operated the Property. I have previously gone into more detail in a prior declaration as to the reasons for the historical significance of the Windows.

11. I am directly familiar with the Windows, both from personally inspecting them and through my familiarity with the history and operations of Emil Frei & Associates. I have been directly involved with the Windows for many years now. Between 2015 and 2019, I met with Urshan University (“Urshan”) on a number of occasions and provided advice related to restoration of the windows. I also have long sought to assist Urshan in finding a buyer for the Windows, so that they may be secured and protected, rather than remain in a vacant property.

12. In early September 2024, I learned that BC and Urshan had made an agreement whereby BC would purchase the Windows from Urshan and, as part of that agreement, Emil Frei & Associates would be used (at Urshan’s insistence) to remove the Windows and prepare them for out-of-state transportation.

13. On or around September 23, 2024, I visited the Property to take preliminary measurements of the Windows so my team and I could begin preparing the Windows for restoration and transportation.

14. On November 25, 2024, I prepared a projected budget for removal and crating of the Windows for BC’s consideration. That budget anticipated that the cost to BC for Emil Frei & Associates to remove, crate, and prepare the windows for transportation would equal \$68,200.00.

15. Emil Frei & Associates, in reliance on BC's and Urshan's contract and insistence about the manner of the work to be done, procured materials to make the necessary storage and transportation crates. We have fabricated the custom crates; this work was completed before we learned of the formal dispute between BC and Urshan. We then temporarily ceased work on this project. As of the date of this Declaration, Emil Frei & Associates has incurred costs and expenses in the amount of \$28,435.00 related to the Urshan contract to sell the Windows to BC.

16. I understand and expect BC will pay Emil Frei & Associates for all work performed to date. The company's completed work will be invoiced for \$28,435.00.

17. Having begun work and incurred expenses to date, I am now able to provide an updated estimate of the projected budget and cost for Emil Frei & Associates to remove and crate the windows. Additionally, there has been a new cost factor added for the remobilizing and rebuilding of the necessary scaffolding, which was previously assembled on-site and now must be re-assembled on site, which would not have been required if we were not required to stop work and disassemble and remove it. The new projected costs (including the already-incurred \$28,435.00) range from \$71,700.00-\$72,700.00. An updated projected budget is attached hereto as Exhibit A-2.

18. BC engaged Emil Frei & Associates for assistance with this project of removing and securing the Windows at the Property in the fall of 2024. The expected budget for the project was completed and both BC and Emil Frei and Associates were in agreement about the general terms and price to be paid for the work. Although a formal executed agreement has not been executed exclusively between Emil Frei & Associates and BC, which is a result of having to stop work due to the current dispute, I would expect that BC and Emil Frei & Associates will memorialize an agreement in the near future. That agreement will, by my understanding, include

the fact that BC will pay my company for the work undertaken and completed to date, regardless of the result of the current litigation.

19. I also expect that any forthcoming formal contract between Emil Frei & Associates and BC to anticipate, should the work to remove and secure the Windows continue, that Emil Frei & Associates will be compensated for the remaining budgeted amount of \$44,265.00, plus any additional costs and expenses incurred.

20. I understand that BC and Urshan agreed to a donation in the amount of \$27,000.00 being paid to Urshan for the Windows as part of this transaction. Based on my experience and knowledge, this contract price does not reflect the appraised value of the Windows.

21. I have performed an Appraisal, attached hereto as Exhibit A-3, of the Windows. As is customary in the field which Emil Frei & Associates and I operate, the actual value (or preferred valuation) of the Windows is most closely represented by the replacement value to reproduce a comparable series of stained glass windows.

22. The process of reproducing the Windows would be a significant burden and come at great cost. The Windows are made in the “Munich style,” which is a style of creating stained glass that is extraordinarily complicated and rarely done today. The style and original creation methods are further explained in my attached Appraisal.

23. Reproduction of the windows requires a very specific set of skills and is a labor-intensive process, which I describe in further detail in my attached Appraisal. The skill required to make this particular type of window is reflected in the Appraisal. Modern craftsmen—as talented as they are—do not possess the same skills in this craft as the generations of craftsmen who made these Windows.

24. The labor-intensive reproduction process is a many-step process, which I can explain further before the Court if necessary. Due to the labor-intensive nature of this work, my Appraisal takes into account the estimated time in man hours to produce comparable windows.

25. My method of calculating the value of each Window is based on my familiarity with the Windows themselves and the industry at large. Based on my experience reproducing similar stained-glass windows, I am able to accurately estimate the cost per square foot for both the 12 Nave Windows and the Rose Window. The former, for which there are 76.05 square feet per window, would cost \$2,000.00 per square foot to reproduce; and the latter, consisting of 66 square feet, would cost \$1,600.00 per square foot to reproduce.

26. The sum total replacement value of the Windows, calculated to the best of our abilities, equals \$1,930,737.00. This amount represents the most accurate appraisal value for the Windows.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on: February 24, 2025



Aaron Frei

**CURRICULUM VITAE
FOR
AARON FREI
EMIL FREI, INC.**

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Business (314) 822-1091
Email: aaronf@emilfrei.com
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EDUCATION

MA Theology	University of Dallas	2006
BA Theology	University of Dallas	2003

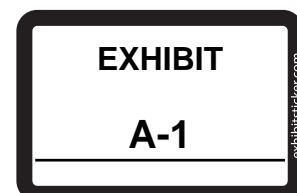
PROFESSIONAL EXPERIENCE

1991 TO 2011	CRAFTSMAN
2011 TO 2016	PRINCIPAL GLASS CUTTER & MANAGER
2016 TO PRESENT	PRESIDENT

STUDIO CREDENTIALS

Emil Frei, Inc. was founded by Emil Frei Sr. in 1898 and is proudly considered as one the most storied Sacred Art firms in the United States today. Passed down for five successive generations, each generation of Emil Frei has contributed their talents to the development of stained glass design and fabrication, its restoration and preservation, and to the design and execution of mosaics. Notable projects include the National Cathedral in Washington D.C., the National Shrine of the Immaculate Conception in D.C., the Harvard Medical School, the New Cathedral Basilica of St. Louis (mosaics and stained glass), to name just a few. In total, we have been commissioned for work in over 8,000 churches during our existence. Given the rich legacy of the Studio, we invite you to read a lengthier history at <https://www.emilfrei.com/about-us/history/>.

Further credentials can be provided upon request.





EMIL FREI & ASSOCIATES, INC. • ARTISTS & CRAFTSMEN
1017 WEST ADAMS • ST. LOUIS, MO 63122 • 314/822-1091

February 17, 2025

PROJECTED BUDGETS FOR REMOVAL AND CRATING OF WINDOWS

REMOVAL: \$52,000

Admin: \$5,200 (currently \$14,957—the difference will be recouped in the future work)

Labor: \$46,800. 3 craftsmen for 20 days (60 work days). Currently, we have spent \$2,989 on the labor of building scaffolding and tearing it down when work stopped.

ARCHIVAL, DOCUMENTATION, LABELING: \$4,500

Labor: 3-4 hours per window (13 windows) to document the condition of each section of stained glass. Currently, we have spent \$1,466 on this before work was stopped.

CRATING: \$11,700

Materials: \$4,701 has already been spent on lumber, plywood, polystyrene, screws, and mileage.

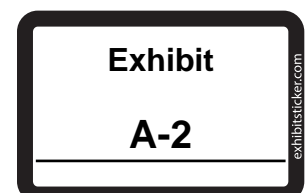
Labor: \$7,000. We have already spent \$4,322 fabricating 39 custom crates, followed by putting them into storage. The remaining \$2,678 will be for the loading of stained glass into crates, securing the crates, and loading/unloading of crates into our vehicles and workspace.

Original total projected costs: \$68,200.00

Expenses that we have incurred to date: \$28,435.00 (\$9,757 of administration will be deferred to later work)

Because we had to stop the work, we are expecting an additional cost to remobilize and rebuild the scaffolding to be in the range of \$3,500-\$4,500.

Therefore, the new projected costs will be \$71,700-\$72,700.





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APPRAISAL FOR EMIL FREI STAINED GLASS WINDOWS

AT ST. STANISLAUS SEMINARY CHAPEL

FLORISSANT, MO

2-15-2025

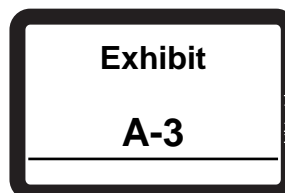
1. Munich Pictorial Style

The windows at the St. Stanislaus Chapel are characterized by a style of painting known as “Munich Pictorial” which our studio did extensively from 1898 to 1940. In the history of stained glass, this level of painting is, without question, the height of man's talent. The facial expressions, the delicacy of the robes and garments, the usage of deep and rich colors, and the background of the architectural canopy are all hallmarks of this style. In content, “Munich Pictorial” favored biblical scenes, portraits or significant scenes from a saint's life, and Marian devotion (which was at a high point at this time).

As the name suggests, “Munich Pictorial” originated in Bavaria in the mid 1800's under the patronage of Ludwig I. My great-great grandfather, Emil Frei Sr., studied at the Munich Academy of Fine Arts before bringing this style with him to the United States in the late 1800's, amid the surge of German immigrants. The painting was so detailed that some artists would spend their entire career painting nothing but faces or limbs. The beauty of this detail came at a cost, however. With the amount of hours needed to achieve such life-like effects, the price of these windows would grow out of the reach of most church's dwindling budgets, especially as the minimum wage began its steady hike upwards. Compounded with a shift in the broader aesthetical landscape, the era of “Munich Pictorial” windows was effectively over in the 1950's .

2. Materials and Process

Prior to 1940, materials and equipment in stained glass were quite expensive, while labor was comparatively quite cheap. What resulted: extraordinary amounts of time were available to create incredibly intricate works of art. The earlier the work, the more exaggerated the time vs. material cost comparison.



In regards to the base glass, we used primarily mouth blown, full antique leaded crystal, blown primarily in Germany with lesser amounts from France. It is exactly the same way glass was blown in the Fifteenth Century and is still the nicest glass made in the world today.

The majority of the painting in your windows were done in blacks which consists of iron oxide suspended in Acacia gum and water or oil, depending on the textures we want. When we paint, we do not paint with paint at all, but with metal oxides. These metal oxides are then fired into the glass at 1,150 degrees Fahrenheit (which is the melting point of glass) so that the oxides become fused with absolute permanence, never to fade or peel with time. Other colors can be fired in as well, such as silver nitrates for yellows (which was used extensively on your windows), zinc oxides for whites, etc. Also, we will occasionally use enamels, although they can add a slight opacity which we do not find highly desirable.

In regards to longevity, the glazing processes of leading, sealing, and strengthening the stained glass have changed very little in the last 500 years. Lead is used both for its remarkable resistance to corrosion, and for the fact that it is soft. It forms a soft perimeter cushion protecting the edges of each piece from adjacent pieces. This stops any possibility of chips or flakes starting runs or cracks. We do not know how long your stained glass windows can be expected to last (as windows elsewhere in the world are now reaching 950 years old--and ours over 100), but barring unusual circumstances, your windows could last a millennium, influencing the children of children, whose grandparents aren't even born yet. It is one of the fabulous quirks that make working in such an old family business so refreshing and rewarding.

3. Status and Condition

In regards to their condition, these windows are very well fabricated originally and appeared, in 2018, to be in good shape (with several minor exceptions, which is to be expected given their age and exposure history while in their original location). The condition of the windows have more rapidly deteriorated since the building has been uninhabited. The Munich style windows are no longer being made at the rate they once were. Time and, therefore, budgets simply do not allow for the painstaking care necessary in honing the painting skills that are developed over most of a lifetime. In fact there are only a few Studios existing in the world today that can even recreate some of the extraordinarily complicated individual lites. Therefore, these windows are only becoming rarer today. To what value this lack of current and future availability should contribute is difficult to establish.

4. Value of Windows (Replacement Value)

In evaluating stained glass, there are a number of factors, some mechanical, some intrinsic, which have to be considered. On windows which we produced in our era, the preferred valuation is replacement value as it most closely represents actual values. However, replacement value does not address the abilities and nuances of the individual artists and craftsmen that originally produced the glass which, in this case, increases values considerably.

For purposes of this Appraisal, we are using the estimated time in man hours it would take today to produce a comparable series, realizing of course, that the skills of our forefathers exceed any available today (without extensive training and repetitive production). Indeed, when we made these windows, certain artists spent their entire lives painting nothing but faces, others the scenic backgrounds, others clothing, and still others the stone traceries, etc.

There are even other factors that can influence appraisals of which I can go into, but these get more into the purview of requests by museums. At any rate, with all of the above being said, the following is a realistic fiscal evaluation of the stained glass windows originally created by our Studio in the dollar amounts of February 2025.

Window	Square feet per window	Cost per Square Foot	Cost Per Window	# of Windows	Total Cost
Nave Clerestory	76.05	\$2,000	\$152,095	12	\$1,825,145
Choir Loft Rose	66	\$1,600	\$105,592	1	\$105,592
Totals				13	\$1,930,737

5. Closing

The above investigations, measurements, calculations and final figures are true to the best of our abilities given the information and dimensions available. Should anyone associated wish to discuss the methods of our calculations further, we would be most willing to elucidate at length.

Sincerely,

EMIL FREI & ASSOCIATES, INC.

Aaron Frei

President